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5 *Liaison Counsel for the Proposed Class*
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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 **Cung Le, Nathan Quarry, Jon Fitch, Brandon**
10 **Vera, Luis Javier Vazquez, and Kyle**
11 **Kingsbury, on behalf of themselves and all**
others similarly situated,

12 **Plaintiffs,**

13 **v.**

14 **Zuffa, LLC, d/b/a Ultimate Fighting**
Championship and UFC,

15 **Defendant.**

No.: 2:15-cv-01045-RFB-BNW

DECLARATION OF ERIC L. CRAMER,
ESQ.

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1 I, Eric L. Cramer, Esq., declare and state as follows:

2 1. I am Chairman of the law firm of Berger Montague PC, one of the Court appointed
3 Interim Co-Lead Counsel (“Class Counsel”) for the proposed Bout Class and an attorney for Individual
4 and Representative Plaintiffs. I am a member in good standing of the State Bars of Pennsylvania and
5 New York, and have been admitted *pro hac vice* in this Court. I am over 18 years of age and have
6 personal knowledge of the facts stated in this Declaration. If called as a witness, I could and would
7 testify competently to them.

8 2. I make this Declaration in support of Plaintiffs’ Emergency Motion to Compel Sparacino
9 PLLC to Stop Communicating with Absent Members of the Proposed Class and for Related Relief (the
10 “Emergency Motion”).

11 3. Attached as **Exhibit 1** is a true and correct copy of a proposed letter for which Class
12 Counsel seek permission from the Court to send to members of the proposed Bout Class correcting the
13 misleading mailing that many of them received from Sparacino PLLC (“Sparacino”) and clarifying the
14 proposed class members’ legal rights.

15 4. Attached as **Exhibit 2** is a true and correct copy of a letter and brochure sent on or about
16 March 16, 2021 by Ryan R. Sparacino of Sparacino to former UFC fighter Sean Sherk. The brochure
17 included with the letter contains several images (*see id.* at 7-9) pulled directly from Plaintiffs’
18 Consolidated Amended Antitrust Class Action Complaint in this case. *See* ECF No. 208 at 6, 8.5.

19 5. Attached as **Exhibit 3** is a true and correct copy of a second letter sent to Mr. Sherk on
20 or about March 24, 2021 by Ryan R. Sparacino of Sparacino.

21 6. Attached as **Exhibit 4** is a true and correct copy of a March 22, 2021 email from former
22 UFC fighter Dennis Hallman with the subject line “Getting solicited.” The email includes an embedded
23 image of a brochure from Sparacino.

24 7. Attached as **Exhibit 5** is a true and correct copy of a class action complaint filed in the
25 U.S. District Court for the Northern District of California on December 22, 2014 by my firm and other
26 counsel for the proposed Bout Class with the caption *Luis Javier Vazquez and Dennis Lloyd Hallman v.*
27 *Zuffa, LLC, d/b/a Ultimate Fighting Championship and UFC*, Case No. 2:15-cv-01055-APG-GWF
28 (N.D. Cal.).

1 8. Attached as **Exhibit 6** is a true and correct copy of this Court’s June 11, 2015 order
2 appearing at ECF No. 101 consolidating Case No. 2:15-cv-01055-APG-GWF with Case No. 2:15-cv-
3 01045-RFB-PAL.

4 9. Attached as **Exhibit 7** is a true and correct copy of the Joint Order re Attorney Loyst
5 Fletcher dated February 18, 2021 and accessible at ECF No. 1431 in the case *In re Flint Water Cases*,
6 No. 5:16-cv-1044-JEL-MKM (E.D. Mich.) (together with Exhibit 8, the “*Flint* orders”).

7 10. Attached as **Exhibit 8** is a true and correct copy of the Opinion and Order Granting in
8 Part Motion for a Preliminary Injunction and Temporary Restraining Order [1409] dated February 8,
9 2021 and accessible at ECF No. 1418 in the case *In re Flint Water Cases*, No. 5:16-cv-1044-JEL-MKM
10 (E.D. Mich.) (together with Exhibit 7, the “*Flint* orders”).

11 11. I and other Class Counsel have spent over eight years developing and prosecuting this
12 action, have dedicated extraordinary resources to the case, and scored several significant legal victories
13 to date.

14 12. On March 18, 2021, I and other Class Counsel first learned that Mr. Sherk and an
15 unknown number of other current and former UFC fighters had received letters and brochures in the
16 mail soliciting them as potential clients to proceed as opt outs in this case.

17 13. On March 22, 2021, as part of a meet and confer process, my colleague Richard
18 Koffman of Cohen Milstein Sellers & Toll PLLC emailed to Sparacino copies of a draft of Plaintiffs’
19 proposed order regarding the Emergency Motion and an earlier draft of the proposed corrective letter
20 attached as **Exhibit 1** to this Declaration.

21 14. On March 22, 2021, I emailed William Isaacson, counsel for Defendant Zuffa, LLC, to
22 inform him of the situation regarding the Letter and Plaintiffs’ intention to file an emergency motion
23 seeking relief. Mr. Isaacson replied by email the next day responding: “We [Zuffa] take no position at
24 this time on the motion. We will want to see the Opposition because we are only now learning of what
25 is going on here. Assuming relief is ordered, I do believe your proposed letter is too long and crosses
26 into the areas of a class notice while being an incomplete statement of what would be in a class notice. I
27 think it would be sufficient for your letter to identify the lawsuit, to explain you are interim class
28 counsel, to identify the communications from other lawyers a class member may have received, to state

1 any ruling from the Court about the facts concerning those communications, and to state if, the Court
2 orders it, that they have entered an engagement with counsel, the Court has given them 30 days to
3 rescind.”

4 15. On March 23, 2021, I participated in a telephone call along with my colleagues Michael
5 Dell’Angelo of Berger Montague PC, Richard Koffman of Cohen Milstein Sellers & Toll PLLC, and
6 Kevin Rayhill of the Joseph Saveri Law Firm, in which we spoke with representatives of Sparacino and
7 Scott + Scott. During the phone call, Sparacino refused to provide basic information about their Letter,
8 such as how many fighters they represent (if any), whether they represented any fighters before or after
9 they sent their misleading Letter, how many of the Letters they sent and to whom, and how many
10 fighters responded. Sparacino similarly refused to confirm whether his firm had retained an expert
11 economist or intended to take their cases to trial in Nevada. My colleagues and I again explained why
12 Sparacino’s letter was misleading and unethical, that a new communication should be sent to Absent
13 Class Members clarifying their legal rights, and that the corrective letter should come from Class
14 Counsel. Following the phone call, Richard Koffman emailed copies of the *Flint* orders to Sparacino.

15 16. On March 24, 2021, I sent an e-mail to Sparacino outlining the main arguments and key
16 authorities in Plaintiffs’ memorandum of law in support of the Emergency Motion.

17 17. On or about March 24, 2021, I learned from certain Absent Class Members that
18 Sparacino had sent a second solicitation letter to Mr. Hallman, a true and correct copy of which is
19 attached as **Exhibit 4**, and multiple other Absent Class Members. Sparacino did not at any time inform
20 Class Counsel that they planned to send the solicitation second letter, or had already done so, despite
21 Class Counsel’s insistence during the meet and confer call that any corrective letter should come from
22 Class Counsel.

23 18. On March 26, 2021, Scott + Scott informed Class Counsel that it would not participate
24 in this or related litigation in any way going forward.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 30th day of March 2021, in Philadelphia, Pennsylvania.

4 Case No.: 2:15-cv-01045-RFB-BNW

DECLARATION OF ERIC L. CRAMER, ESQ.

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of March 2021 a true and correct copy of
DECLARATION OF ERIC L. CRAMER, ESQ. was served via the District Court of Nevada's ECF
system to all counsel of record who have enrolled in this ECF system.

By: /s/ Don Springmeyer
Don Springmeyer